

(INTERVIEW OF CAPTAIN JAMES WILLIAMS, #2018-AC-0087, 12/11/18)

(The following may contain unintelligible or misunderstood words due to the recording quality.)

INV. CONE: Good morning. Today's date is December 11, 2018. The time is approximately 9:14 a.m. The location is the Polk County administration building, the Office of Professional Standards for Polk County Fire Rescue, located at 330 West Church Street, Bartow, Florida. Persons present are the speaker, Daniel Cone, investigator with the Office of Professional Standards, and Captain James Williams, who is providing an official statement about this incident.

The administrative case file number is 2018-AC-0087. It is noted that Vernon Austin is present as well during this interview. Vernon, it is my understanding, you are going to be Captain Williams' representative during this interview. Is that correct?

VERNON AUSTIN: That's correct.

INV. CONE: Okay.

VERNON AUSTIN: I'm representation from Polk County Professional firefighters.

INV. CONE: Okay. Thank you. And you understand that, as representative, you have the right to be present during this interview, but cannot continuously interject during interview?

VERNON AUSTIN: Yes, I do.

INV. CONE: Okay. And -- and when we conclude the interview, I'll ask on the recording if you have any questions or anything you want clarified just to make sure --

VERNON AUSTIN: Uh-huh.

INV. CONE: -- we get everything out in the open. Captain, on, uh, December 2<sup>nd</sup>, I believe it was, you were served a written Notice of Investigation that contained, um, the complaint and the allegations against you. Is that correct?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: And the document also contained the name of the complainants. Is that correct?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. I have, um, given you some -- you know some, transcripts and some information from the case file and you had an opportunity to look through that and -- and go over that.

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Is that correct?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Captain, you're being questioned today as part of a formal investigation of Polk County. Falsely denying, lying, or otherwise engaging in deception in order to cover up or attempt to cover up misconduct or actions described within the Polk County employee handbook is a violation of county policy. Any refusal to cooperate in this administrative investigation or intentionally making false statements intended to misrepresent or impede the truth or actual facts or circumstances is a violation of county policy that, if proven, may result in disciplinary action, to include termination. Do you understand?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Um, at this time, I'm going to -- I'm going to read the Garrity notice. I had you sign it prior to starting the recording but, uh, I'm going to read you the Garrity Notice at this time. "You are hereby advised that I intend to question you as part of a formal administrative investigation being conducted by the Polk County Fire Rescue Division. The purpose of this Garrity warning is to protect you from compelled self-incrimination during the administrative interview. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

"You are entitled to all the rights and privileges guaranteed by the laws and the constitution of the state of Florida and the Constitution of the United States, including the right not to be compelled to incriminate yourself. Pursuant to the Polk County Fire Rescue Division standard operating procedure and the Polk County Board of County Commissioners' Employee Handbook, you are required to answer my questions fully and truthfully. If you

refuse to testify or answer all questions relating to the performance of your official duties or fitness for office, you may be subject to separate disciplinary action, to include the termination of your employment.

"Your statements or any information or evidence relating to this administrative investigation that is gained by reason of such statements, cannot be used against you in any criminal legal proceeding except for perjury or obstruction of justice charges. However, your statements may be used against you in other administrative and/or disciplinary actions taken against you. As such, you are ordered to answer all questions fully and truthfully." Uh, do you understand your obligation to answer my questions fully and truthfully?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Will you please raise your right hand? Do you swear or affirm the testimony you're about to give is true and correct to the best of your knowledge?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Thank you. Uh, for the recording can you please state your full name, uh, and provide your ID. number, please?

CAPT. WILLIAMS: Uh, James Lamar Williams. My ID number is 11286.

INV. CONE: And, uh, Captain, how long have you been employed with Polk County Fire Rescue?

CAPT. WILLIAMS: Uh, roughly nine years.

INV. CONE: Okay. And we've already established that you are a -- a -- a captain, uh, EMT, a captain paramedic?

CAPT. WILLIAMS: Uh, captain EMT. Yes, sir.

INV. CONE: Okay. Um, Captain, the incident we're gonna discuss today occurred on November 23<sup>rd</sup>, 2018. And you were on duty that day. Was that your regular shift?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. And you were acting in your capacity as -- as shift commander, basically?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Um, you responded to a residential fire on Rockridge road. Just kind of go through the incident. I know you and I talked about this when I was assisting Chief Calcutt with the after action report, but just kind of go through that - that, uh, that scenario, that incident, you know, briefly as - as well as you can.

CAPT. WILLIAMS: From the time we leave the station?

INV. CONE: Yeah, you get the call at the station.

CAPT. WILLIAMS: Um, well pretty much we, uh, got the call. We were in quarters. Um, we had swapped out trucks earlier that day, so I had no computer on the truck. The computer was down. So, Dispatch dispatched to the call. It said, uh, "Residential structure fire with possible entrapment." So, I got on the radio, put -- put ourselves responding, notified Dispatch that we didn't have a computer on the truck at the time. Um, I decided to take my firefighter with me instead of taking the tender due to the tender problems and how slow it is, and with possible entrapment, I needed manpower on the scene. I requested engine 39 to bring their own tender. So, we went responding to the call.

Um, upon going down Rockridge Road, um, there were no addresses on the mailbox to where this -- where this house was. So, Engine 23, which had happened to be about halfway to our coverage area staging for a psychiatric call, they cleared that call and started coming to our call. Captain on that truck advised me that the address was probably, um -- the directions were kind of weird, but he said the last driveway to the left before the bridge if you follow the wood line. So, being that there was no numbers on the mailboxes, I found the driveway that appeared to be that description.

INV. CONE: And -- and just to clarify, this was, uh, a --

CAPT. WILLIAMS: Nighttime.

INV. CONE: -- call about 7:00 at night?

CAPT. WILLIAMS: Yeah, it was pitch black out.

INV. CONE: So, it was dark.

CAPT. WILLIAMS: And Rockridge Road, there's no streetlights --

INV. CONE: Yeah.

CAPT. WILLIAMS: -- or anything down there.

INV. CONE: Okay.

CAPT. WILLIAMS: Um, so I -- I -- I took a wild guess and took the driveway. Uh, the driveway was a ways off the road, uh, so actually as we're going down, there's a couple houses and a couple shops to the left. So, uh, I was confused on, you know, like, where this house was 'cause it was in the middle of nowhere. Um, so as we got going down the road, that's when we happened to look over to the right and we saw, like, a -- not even a -- a solid driveway through the woods. It was just like a path through the woods, and you could see a glow back off in the distance. Um, we ended measuring it out; it was about 300 feet from the road, the access road that led to the main road.

Um, so I put ourselves on scene, went back. Uh, my firefighter went with me. I established that we were gonna do a courtyard lay for water supply. So my engineer was gonna work on that. We got down there, um, attempted -- you know, I gave my size-up, what we had, and everything else. Uh, we attempted to go in through the front door, but due to the fire involvement -- at this time the house was 50 percent, if not a little more, involved. Uh, it had already vented through the roof, up through the trees, um, and there was a brush fire that had started spreading probably 50 to 100 yards around the house itself.

Uh, so initially we tried to go up to the front. Uh, one, we were unable to make access to the front door due to the heat. I mean, you could feel it 15, 20 feet from the house. Uh, so I went, left the fire --

INV. CONE: And this was a log home, so there was, like --

CAPT. WILLIAMS: A log home. So, the walls, everything were (unintelligible).

INV. CONE: Plenty of fuel there?

CAPT. WILLIAMS: Oh, yeah.

INV. CONE: Okay.

CAPT. WILLIAMS: And then this one was different because it was elevated off the ground, roughly, 3 feet. So, in my career, I've never seen a house like this with the fuel load, you know, the size and everything, and the remote -- how remote it was out in the woods.

INV. CONE: And being off the ground, that just allows for --

CAPT. WILLIAMS: Oxygen to go through.

INV. CONE: -- continued air flow?

CAPT. WILLIAMS: Yeah, it pretty much turned into a chimney.

INV. CONE: Up, around, right through. Okay.

CAPT. WILLIAMS: And it had a metal roof. So, I mean, it was -- it was the hottest thing I've ever been on. Um, so I left my firefighter back off in the front. I attempted to go around through the Bravo/Charlie side, but due to the -- to the fire extension on that side through the brush, and trees, and everything else, I was unable to make access through that way.

So, I turned back around, came around. Now, mind you, my -- my engineer is bringing hose down, so it's not as simple as dragging hose off the truck, charging it, and you have water. He has to bring 300 foot of two-and-a-half, then he has to go back to the truck. He has to break down the 200 feet of inch-and-three-quarter from the cross lay, bring that down, go back and charge everything.

So, I came back around. When we came back around to the front, I tried to make access to the Alpha side. That's when the power lines dropped. That's when I realized there's nothing I could do without some type of water. So, I yelled at the firefighter, I said, "Hey, let's go get these pre-connects from Kevin" 'cause he's pretty much humping. And this road all the way back to the house is pitch black. There's no lights. There's no -- I mean, it's -- it's hard to see. So, we ran back up. Kevin was coming roughly 15 feet or -- 15 -- 50 feet or so from the truck.

We grabbed the preconnects from him. I told him to grab the other ones. We ran back, hooked those up to where we could start trying to get some water. At this time, the house was fully involved. So my concern is trying to contain the brush

fire and everything that's around the house because I have no idea what other surrounding houses are around, and I didn't want to have this fire start another fire. I know there was a hay barn or something that wasn't too far away where they store all their hay. So I was pretty much trying to contain the problem to one area.

Um, so we started tactics. Units started rolling in on scene. Um, I advised Engine 23 when they got on scene, have their engineer help Kevin with water supply because, um, we didn't have enough water on scene. We only had 1,000 gallons on our truck. Engine 23 had 750 gallons. So, you know, if you're flowing 150 gallons a minute, I mean, it -- it goes pretty quick. Um, so our main --

INV. CONE: And you didn't have -- and the water supply was limited 'cause you left the tender at the station because of the --

CAPT. WILLIAMS: I needed manpower due to possible entrapment.

INV. CONE: -- possible entrapment.

CAPT. WILLIAMS: Right. And anyone that knows that station, that tender is a '80s model tender. So --

INV. CONE: Okay.

CAPT. WILLIAMS: -- it doesn't matter if you crank it up in the morning, crank it up in the afternoon, when you hop in there you've got to crank it up, let the air pressure build up, and it tops out, like at 55 miles an hour. So, Engine 23, in essence, would have end up passing that tender to come to us, and I would have been stuck on scene by myself because my engineer is trying to get me water.

INV. CONE: Trying to get to you. Right. Okay. Well, I just -- I -- I wanted to understand that. I -- I know you had said that, but I just wanted to make sure we clarified that.

CAPT. WILLIAMS: Right. And then we later found out that our closest water supply, roughly, it was a 30-minute round trip as far as going, filling up, coming back. So, I mean --

INV. CONE: Okay. And this is a very rural area. So there was no --

CAPT. WILLIAMS: Hydrant.

INV. CONE: -- hydrants or anything in the area. So --

CAPT. WILLIAMS: No, sir.

INV. CONE: Okay. Um, you tried to go -- entry in the front door. Then you continued on around. You couldn't access the back of the house because of the -- the spread of the fire?

CAPT. WILLIAMS: Right.

INV. CONE: And you came back around the other way, that's when the power line dropped --

CAPT. WILLIAMS: Yes, sir.

INV. CONE: -- which prohibited you from going around the --

CAPT. WILLIAMS: Yeah.

INV. CONE: -- other side of the house.

CAPT. WILLIAMS: Yeah, because it was -- it was live and arcing.

INV. CONE: So, um, now -- and -- and just for the benefit of the recording, you and I have spoken about this incident not related to this investigation, but --

CAPT. WILLIAMS: Right.

INV. CONE: -- so I have some knowledge of what happened.

CAPT. WILLIAMS: Yes, sir.

INV. CONE: It was dispatched with possible entrapment?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Um, and did you try to confirm whether someone was actually in the house or not?

CAPT. WILLIAMS: Yes, I did. Um, actually I got on the radio. Don't quote me on it, but I believe I said -- you know, "Due to the houses coming out -- you would never think there was a house back in these woods."

INV. CONE: Right.

CAPT. WILLIAMS: So my thought process is the houses that we passed down this main drive. Was this a caller that called from the house, as Dispatch had said? Is this one of the neighbors stating that someone lives back here, or is this the homeowner that's here? Because 7:15, 7:20 at night, whatever time it was, there were no cars in the driveway.

INV. CONE: Okay.

CAPT. WILLIAMS: So, at that time, a lot of people may be out for dinner. So, my thought process was: Is this a neighbor down the road, a family member? 'Cause a lot of people live close there. Is this a neighbor saying, "Hey, there's a house on fire back there in the woods; somebody lives there"? Or is this someone that you're actually on the phone with, "Hey, I'm the homeowner. I'm inside"?

INV. CONE: Okay.

CAPT. WILLIAMS: You know? So, that was what I was trying to clarify because, for one, I had no computer, and even if I did have a computer, whatever they were relaying to Dispatch at the time, I'm out of my truck.

INV. CONE: Right.

CAPT. WILLIAMS: I have no access to it. Um --

INV. CONE: And -- and just -- you mentioned that you didn't have a computer. I just want to clarify that as well. There was a problem with the charging cord --

CAPT. WILLIAMS: The -- it's some -- yes, sir.

INV. CONE: Something, and so the -- you couldn't keep the computer --

CAPT. WILLIAMS: Charged. Right.

INV. CONE: -- charging. Right.

CAPT. WILLIAMS: And there's no way to see the battery level, so it's pretty much you have battery and then it's just dead.

INV. CONE: It's dead. Okay.

CAPT. WILLIAMS: There's nothing that says "50 percent" or what -- whatever you have.

INV. CONE: And that was discovered after the fact, correct? I mean, you realized at some point --

CAPT. WILLIAMS: Well, as soon as I -- as soon as we got the call -- it had been I don't know how long since we had got our previous call -- when we had gotten this structure fire call. And, normally, I go en route on the computer.

INV. CONE: On the computer?

CAPT. WILLIAMS: So, when I went to scroll up and the computer didn't light up and I hit the button and saw the battery was dead, that's why I got on the radio and I relayed, "Engine 6. We're responding. Be advised we don't have a computer."

INV. CONE: But at that time you weren't sure why the computer wasn't working. It wasn't till later that we realized the cord just (unintelligible).

CAPT. WILLIAMS: Right, right. And then the batt chief brought us a cord the next shift or whatever --

INV. CONE: Yeah.

CAPT. WILLIAMS: -- because I -- I don't -- I don't know what was wrong with the cord, but it just wasn't charging.

INV. CONE: For some reason that wasn't working with the computer. Okay. I just wanted to clarify. You mentioned that a couple times. Um, so you -- you tried to confirm whether or not someone was inside or whether or not this was a -- a third-party call coming in?

CAPT. WILLIAMS: Right.

INV. CONE: Um, did you ever hear a response?

CAPT. WILLIAMS: No, sir.

INV. CONE: Okay. Um, now, while you were on scene, a video was recorded?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Um, did you record that video?

CAPT. WILLIAMS: Yes, sir. I did.

INV. CONE: Okay. Why did you record that video?

CAPT. WILLIAMS: Um, initially, I recorded the video because I -- I was -- I'd -- I'd never seen anything like that. I know my crew has never seen anything like that. Um, my firefighter that normally works with me, he was on vacation out of town, and for me, I was going to use this as a training type scenario because not only do you pull up on scene, have something that involved -- and -- and there's -- I could tell you all day long, "Hey, we had this, this, and this." There's no way I can explain to you exactly what I saw. And I wanted to use that as -- you know, after every fire we do a critique, whether it's -- you know, Engine 39, does their own critique. We do our own critique. And what I like to do that for is because we learn something from every fire we have.

So, this fire, what could we have done to maybe make this run smoother? This fire, per se, there's not too much I don't think we could have done to make it run smoother due to the location of the fire. So, initially, I recorded that to kind of help us. Because there's -- there's a lot of rural houses out there with no --

INV. CONE: Uh-huh.

CAPT. WILLIAMS: -- hydrants and everything else. So, I wanted to use that as a -- as a -- a training type thing for all of us. Well, like, Hey, you know, this stuff's out there right now and we can't drive around and go back, "Oh, I wonder if there's a house back here?" I mean, we can learn. I mean, I use it as a learning scenario. And not only did that end up being a learning scenario for me, that's helped me out as far as, you know, that's the worst decision I've ever had to make in my life, you know, accepting defeat and -- and knowing that there's nothing that I could do to help her.

So, I mean, honestly, I've looked back on that video and, I mean, it's -- it's -- you're your worst critic. You know? You -- you beat yourself up and you're -- you know, I'm the type of guy, I should say, that's always like, I wonder if I would have done this? I wonder if I would have did this, could I have saved her? Looking back on that video makes me realize there -- there's nothing I could have done. And no matter how much -- no

matter how much I -- I look back at it, I mean there's nothing I could do.

INV. CONE: Okay.

CAPT. WILLIAMS: And was it a dumb decision? It was a dumb decision for me to do that, but at the time and, um, you know, we were waiting on water. We -- you know, like I said, we had, like, 30 minutes or so. So, actually we weren't involved in active interior firefighting, so we had no packs on. So, we decided to take our air packs off, work on the brush fire, and what little bit of water we had at the time, to hit on the structure.

INV. CONE: That's what I want to ask. What -- at what point of the incident was that video taken?

CAPT. WILLIAMS: Right. So -- so the house was fully involved. We had already went through the water on our truck. We went through the water on the -- uh, the Engine 23. Um, so pretty much we're just sitting ducks. We have no water. We're -- all we can do is stand there. I mean, it's --

INV. CONE: Okay.

CAPT. WILLIAMS: -- -- fully involved. There's nothing we could do. Um, so actually when I was at the station, threw all my bunker gear and everything on. Uh, you know, we see a fire there and go to the house. Well, we had just eaten dinner and everything that night. So, we're sitting around. I was like, "Man, I got to pee really bad." I'm like, "I'm gonna step off in the woods and use the bathroom real quick." So, there's woods all around. So I go to the woods, and I don't have my air pack anymore 'cause we dropped all of our air packs because it would kill you to do all the stuff we were doing with air packs when we're not going interior.

So, we set our air packs down, kind of opened our jackets up to kind of cool down until we get, you know, some more water to come there and, um, I used the bathroom. That's when I noticed I forgot my cell phone in my pocket. And any time you have bunker gear on -- and -- and I've already ruined one cell phone due to the sweat and everything or, you know, something hits it, cracks your screen. So, I was like, Holy crap, I forgot my cell phone in my pocket. I'm gonna run and put it in the truck before we get a tender back.

So, that's when -- after I used the bathroom, when I walked out -- when I walked out of the woods -- and it was just there. And I was just like -- and I kind of sat there for a minute. And I was just like, Holy cow, there's no way -- there's no way anyone would believe, like, this. And that's when I was, like, Well, I'll take this little video and then, you know the -- the -- the off-coming shift and everything, kind of show and -- and go over, you know, kind of what we saw. Because, like I said, I could tell them we had a log cabin house but, I mean, he may have ran log cabin houses in his career, but, I mean, I've never ran anything of that significance. Um, so I -- I did that.

And then I walked up to the truck to get a bottle of water 'cause we didn't have a cooler down at the time. And that's when I put my phone in the truck and came back down.

INV. CONE: Okay. So, there's one person in the video, and that's your -- who was that? That was the firefighter that --

CAPT. WILLIAMS: No, that was, uh, Keith.

INV. CONE: Keith?

CAPT. WILLIAMS: Sherels [phonetic]. She's a captain on 23.

INV. CONE: Keith -- Sherels? Okay.

CAPT. WILLIAMS: Yeah, and we're pretty much where we -- we had -- well -- and actually the line blew -- one of the lines blew on the hose. So, I mean, that's when we were out of water. That's when the guys had came back and they replaced it, and we were just pretty much sitting waiting on water.

INV. CONE: Okay. Um, now, apparently, you -- you shared that video with some people?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Who did you share it with?

CAPT. WILLIAMS: Yes, sir. I had it, um -- we have a Snapchat group that is my firefighter, Manny -- my firefighter, Manny, Patrick, Kelly, um, and we had Casey, which I realize Casey was part of that group. But I shared it within my Snapchat group.

INV. CONE: Okay.

CAPT. WILLIAMS: I didn't post it on Facebook or Instagram, or anything like that. It was --

INV. CONE: So, it didn't go out on -- on any other social media other than maybe your Snapchat group?

CAPT. WILLIAMS: No, sir. No, sir.

INV. CONE: Now, who were the people involved with the Snapchat?

CAPT. WILLIAMS: Uh, Kelly McMorrow [phonetic], um, Manny -- Manuel Gonzalez.

INV. CONE: And that's Manuel? Okay. I should -- I should know that.

CAPT. WILLIAMS: Right. And then, uh, Patrick Stevenson. That was my firefighter that's not -- he wasn't there.

INV. CONE: Patrick Stevenson?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. And then Casey, who's -- I guess she's a --

CAPT. WILLIAMS: Livescan girl. Yeah, she's --

INV. CONE: Livescan. Yeah.

CAPT. WILLIAMS: And -- and she's actually friends with me. She's friends with -- she's friends with all of us through --

INV. CONE: Okay.

CAPT. WILLIAMS: -- which I've known her for years.

INV. CONE: And what's her last name? Do you know?

CAPT. WILLIAMS: Miller, I believe.

INV. CONE: Miller? Okay. Uh, but other than Snapchat, it didn't go out on Twitter or Facebook or Instagram --

CAPT. WILLIAMS: No, sir.

INV. CONE: -- or anything like that? Okay. Um, so it didn't go out on any other social media?

CAPT. WILLIAMS: No, sir.

INV. CONE: And that was, um -- I know you just told me this. Who was -- the other person in the video that was, uh --

CAPT. WILLIAMS: Keith Sherels.

INV. CONE: -- Keith Sherels. Um, okay. Um, and at that point -- was that when the hose was blown and we were waiting to replace the hose or --

CAPT. WILLIAMS: I think -- no, 'cause the hose -- the hose blew a little bit before that.

INV. CONE: Yeah, right.

CAPT. WILLIAMS: Because the thing is we only had -- the way it works is like, one-inch-and-three-quarter you flow at 150 GPM. Initially, when we get on scene, you don't want to open up another one 'cause now you're flowing 300 GPM. So, if you have 750 gallons on the truck, 350 GPM, you're looking at a couple minutes.

INV. CONE: Right.

CAPT. WILLIAMS: So, what happened is they had brought down the other preconnect because this one had blown. So, we shut this line down; so this line was inoperable at the time. And then we just were flowing off the other line. So, it's still flowing 150 GPM. This line was just out -- we had both of them hooked up. We just took this one out of service --

INV. CONE: Okay.

CAPT. WILLIAMS: -- and we opened up the other one till we ran out of water.

INV. CONE: So, when the video was taken, that was actually after you had ran out of water?

CAPT. WILLIAMS: It was out of water. Yeah.

INV. CONE: So, you had gone -- that's when you decided we're gonna --

CAPT. WILLIAMS: Well, yeah, "Everyone take --"

INV. CONE: -- put everything down, pack off --

CAPT. WILLIAMS: "-- everyone take your pack off." Yeah. Because now we're not interior; we're just -- we're on the outside now.

INV. CONE: Okay.

CAPT. WILLIAMS: So, to kind of save energy and everything else, you know, we took our packs off, sat them to the side, and then we started trying to work on rehab, you know, getting some -- some water and everything down there. And, um, just the main thing was trying to contain that brush fire that was spreading. I mean, it was spreading off in the woods and everything 'cause the house was -- I mean, it was ripping by then.

INV. CONE: Okay. Did you, um, notify your batt chief that you had taken the video?

CAPT. WILLIAMS: No, sir, I did not.

INV. CONE: Okay.

CAPT. WILLIAMS: And -- and, uh, looking back -- uh, looking back on it I should have because that way -- that way he could have seen it. And I don't know if you remember when you guys came on Thursday, and I was gonna say something about it then because, uh, Chief Calcutt was like, "Yeah, you know there's multiple pictures and everything the PIO took, but we're not sure if we're gonna release them." And that's when I said, "Man" I was like, "Chief, like you know, this would be a good training scenario for everyone because, I mean, I've -- I've never seen anything like that before, and I feel like we could all learn from it."

And the main thing too is, you know, anyone, it's easy for them to sit back and say, "Oh, well, I would have done this. I would have done that." But if you actually take a look and you actually see the location, what was all involved, I mean, it -- it kind of changes things.

INV. CONE: Well, I went out there and I'm -- I'm not a firefighter, but that looked like a tough scenario to be in. Yeah.

CAPT. WILLIAMS: It's --

INV. CONE: Um, are you familiar with the, uh -- the, uh, fire rescue policy on -- on taking photographs and -- and --

CAPT. WILLIAMS: Yes, sir, I am now.

INV. CONE: Okay.

CAPT. WILLIAMS: I am now. Yes, sir.

INV. CONE: Okay. You -- you hadn't familiarized yourself with that prior to that or --

CAPT. WILLIAMS: No, sir, I didn't, uh, because I -- and maybe it's me being stupid or naïve, I -- I'm wrong. There's no excuse. I mean, I'm wrong. I should have never done it, and if I could do it again, I wouldn't have done it. Or if I would have, I would have said, "Hey, Chief Gilley, I have this video. If -- if I can send this video to you so you can see what's going on." I mean that -- that would have been the best route looking back on it now. I should have just did that.

INV. CONE: Okay.

CAPT. WILLIAMS: And then he could have done with whatever he wanted with it and -- and went from there. I mean, I'm not making excuses.

INV. CONE: Okay. I appreciate your candor. Um, and, Kevin [sic], I -- I think we've answered all the questions I had for you. Is there anything I have not asked, um, or anything we have not talked about that you think would be important, uh, for me to know or for the investigation?

CAPT. WILLIAMS: Nothing really. I mean, my only thing is I didn't -- I didn't do it out of ill will. I didn't do it to --

INV. CONE: Okay.

CAPT. WILLIAMS: -- try to portray myself to be somebody I'm not. I mean, all I want to do is just be better at my job. That's all. And, uh --

INV. CONE: And then just, uh, to reiterate what you said, that your initial intention was --

CAPT. WILLIAMS: To share it.

INV. CONE: -- to be a training tool?

CAPT. WILLIAMS: Even -- yes, sir.

INV. CONE: Okay.

CAPT. WILLIAMS: Definitely. Definitely, 'cause I mean in our job, you know, like Mr. Austin here, I mean, you don't -- you don't stay around this department forever being stagnant. I mean, houses are being built different; everything's changing. And I mean, like I said, I -- I -- that's a first for me definitely.

INV. CONE: Okay. Uh, Captain, is everything you've told me here today true and correct to the best of your knowledge?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Uh, this is an open investigation, so you're gonna be directed -- ordered not to discuss your testimony here with me today with anybody.

CAPT. WILLIAMS: Okay.

INV. CONE: Uh, Vernon is your representative, so you're well within your rights to discuss the situation with him --

CAPT. WILLIAMS: Okay.

INV. CONE: -- but nobody that works with Polk County Fire Rescue or none of our partners, vendors, hospitals --

CAPT. WILLIAMS: Okay, sir.

INV. CONE: -- or anybody that does business with the county? You understand that direction?

CAPT. WILLIAMS: Yes, sir.

INV. CONE: Okay. Uh, Vern, you have any questions?

VERNON AUSTIN: Um, no, I don't.

INV. CONE: Okay.

VERNON AUSTIN: We're good.

INV. CONE: All right. Um, that's gonna conclude this interview. The time is now approximately 9:38 a.m. It is still the 11<sup>th</sup> of December, 2018.

(CONCLUSION OF INTERVIEW)

Transcribed by: hmc/hmc/alw

2470 Clower Lane  
PO Box 1458  
Bartow, Florida 33831-1458



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[www.polk-county.net](http://www.polk-county.net)

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**FIRE RESCUE DIVISION**

**To:** Anthony Stravino, Fire Chief  
**From:** Jeff Calcutt, Battalion Chief  
**Reference:** Captain James Williams  
**Date:** December 31, 2018

I have reviewed the Administrative Investigation (2018-AC-0087) conducted by Office of Professional Standards Investigator Dan Cone. During this review, I found that Captain Williams did violate the Polk County BOCC Employee Handbook 10.08 Page 104 (Electronic Communications Policy) and the Polk County Fire Rescue SOP 100 Series No. 108 (Social Media/Networking Policy) and Series No. 109 (Photography and Digital Imagery Policy). By his own admittance, Captain Williams recorded a video of a fatal fire with his personal cell phone and distributed it via social media to other PCFR agency employees and another person outside of the agency.

Captain Williams is a supervisor and an officer in this agency. His excuse of not knowing the policies of the agency in regards to social media and photography are unacceptable for his position of authority. Due to the significance of the fire, and the position that Captain Williams holds in the department, I am recommending that he receive a written reprimand and 24-hour suspension for these BOCC Handbook and PCFR SOP violations.

-



# EMPLOYEE ACTION FORM POLK COUNTY BOCC

EMPLOYEE NAME: James Williams

Employee ID#: 11286 DATE: 12/31/2018

DIVISION: Fire Rescue

DOH: 01/08/2009

ACTION BEING TAKEN: (CHECK APPROPRIATE BLOCK(S) AND COMPLETE PAGE TWO OF FORM)

- |   |  |
|---|--|
| <input type="checkbox"/> Written Counseling           | <input checked="" type="checkbox"/> Suspension Without Pay |
| <input checked="" type="checkbox"/> Written Reprimand | <input type="checkbox"/> Performance Improvement Probation |
| <input type="checkbox"/> Suspension With Pay          | <input type="checkbox"/> Involuntary Demotion              |
| <input type="checkbox"/> Involuntary Transfer         | <input type="checkbox"/> Termination                       |
| <input type="checkbox"/> Removal From Probation       | <input type="checkbox"/> Other (explain)                   |

\*\* Has employee had prior verbal counseling relevant to this issue? ☐ YES ☐ NO

PROBATION: To become effective on \_\_\_\_\_ / at \_\_\_\_\_ AM/PM  
To end/return to work on \_\_\_\_\_ / at \_\_\_\_\_ AM/PM

SUSPENSION: To become effective on 1/10/19 / at 0800 AM/PM  
To end/return to work on 1/11/19 / at 0800 AM/PM Total Hours \_\_\_\_\_

ATTACHMENTS: 10 Pages of relevant documentation leading up to and resulting in the recommended action.

THIS NOTICE WAS: ☐ GIVEN IN PERSON ☐ MAILED DATE MAILED: \_\_\_\_\_

MAILED TO: \_\_\_\_\_

If this notice was received through the mail, you are responsible for contacting your immediate supervisor upon receipt of this Pre-Disciplinary form as to whether you do/do not wish a Pre-Disciplinary Conference.

## YOUR RIGHTS AS AN EMPLOYEE

IN ACCORDANCE WITH POLK COUNTY POLICY 13.02 PERTAINING TO PRE-DISCIPLINARY PROCEDURES, THIS SERVES AS YOUR WRITTEN NOTIFICATION. AS A REGULAR EMPLOYEE NOT EXEMPT FROM APPEAL PROCEDURE, WHO HAS COMPLETED THE INITIAL PROBATION PERIOD, YOU HAVE THE RIGHT TO A PRE-DISCIPLINARY CONFERENCE PRIOR TO A SUSPENSION WITHOUT PAY, TERMINATION, PERFORMANCE IMPROVEMENT PROBATION OR INVOLUNTARY DEMOTION FOR DISCIPLINARY REASONS. YOU HAVE THE RIGHT TO RESPOND TO THE CHARGES AND/OR ACTION AGAINST YOU ORALLY AND/OR IN WRITING WITH OR WITHOUT SUPPORTING AFFIDAVITS OR STATEMENTS, AS WELL AS THE RIGHT TO APPEAR BEFORE A PRE-DISCIPLINARY CONFERENCE OFFICIAL. IF YOU ELECT A PRE-DISCIPLINARY CONFERENCE, YOU MAY BE ACCOMPANIED BY LEGAL COUNSEL OR OTHER REPRESENTATIVES OF YOUR CHOICE. IF YOU ELECT LEGAL COUNSEL, PLEASE BE ADVISED THAT YOUR ATTORNEY'S ROLE WILL BE LIMITED TO ADVISING YOU AND/OR SPEAKING FOR YOU. YOUR ATTORNEY CAN NOT CROSS EXAMINE OR QUESTION THE DECISION MAKERS AT THIS MEETING.

I, DO ☐ I, DO NOT ☐ \_\_\_\_\_ REQUEST A PRE-DISCIPLINARY HEARING.  
EMPLOYEE'S INITIALS

Pre-Disciplinary Conference: Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM/PM Place \_\_\_\_\_

Conference Official \_\_\_\_\_

I understand that I have the right to present evidence orally or in writing with or without affidavits or statements to support my position. I also understand that if I do not return this request for a Pre-disciplinary Conference within seven (7) calendar days as indicated in section 13.02 of the Employee Handbook, I forfeit all rights to said conference and/or any other appeals process. I also understand that if I request a hearing and disagree with the decision of the Conference Official in my case, I do have a right to file an appeal as outlined under the Post-Disciplinary Appeals Procedure in the Employee Handbook, section 13.03.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

## ADDITIONAL INFORMATION

1. **CIRCUMSTANCES:** (Briefly describe what happened)

On November 23, 2018, Captain James Williams recorded a video of a fatal fire on Rockridge Road. Captain Williams posted this video on social media to a group of agency employees and a non-agency employee. This was a violation of the Polk County BOCC Employee Handbook 10.08 Page 104 (Electronic Communications Policy) and the Polk County Fire Rescue SOP 100 Series No. 108 (Social Media/Networking Policy) and Series No. 109 (Photography and Digital Imagery Policy).

2. **EXPECTATIONS OF EMPLOYEE:** (Including liability of continued non-conformance)

Captain Williams shall know and follow all Polk County BOCC and Polk County Fire Rescue policies and procedures. Captain Williams will not violate any BOCC or PCFR policies or procedures. Any violations of BOCC or PCFR policies or procedures will lead to further disciplinary action up to and including termination.

3. **MANAGEMENT PLAN:**

Management will monitor Captain Williams to ensure that he follows all BOCC or PCFR policies and procedures.

4. **FOLLOW-UP REVIEW:** ☐ YES ☒ NO IF YES, WHEN: \_\_\_\_\_

5. **EMPLOYEE COMMENTS:**

11/21/19  
DATE

11/21/19  
DATE

11/21/19  
DATE

  
DIVISION DIRECTOR SIGNATURE

  
SUPERVISOR SIGNATURE

  
EMPLOYEE SIGNATURE

**POLK COUNTY FIRE RESCUE****100 Series****No. 108****Pages 1-4****Revised: 1/4/16****Social Media/Networking Policy****Associated Directives:****PCFR SOP 102, 107, 109, 113, 119, 207****BoCC Policies: Handbook 10.08**

**POLICY:** It is the policy of Polk County Fire Rescue Division ("PCFR" or "Division") of Polk County, a political subdivision of the State of Florida ("County"), to respect the Constitutional and statutory rights of all members and the public. While all PCFR members have the right to use personal social networking pages or sites, members are public servants who are held to a higher standard than that of the general public with regard to standards of conduct and ethics. Members have an affirmative obligation while using social media to ensure they do not become viewed as spokespersons for PCFR except when duly authorized. This PCFR Social Media Policy shall be construed in conjunction with the Social Media Policy governing all Polk County employees, provided in the County's Employee Handbook. In the event that any specific conflict exists between the County's Social Media Policy and this PCFR Social Media Policy, the County's Social Media Policy shall govern.

It is the policy of PCFR that all personnel will maintain a level of professionalism in both on-duty and off-duty conduct that is consistent with the honorable mission of the Division and in a way that will not cause actual harm or disruption to the mission and functions of the Division or place the County in a position of public disrepute.

**PURPOSE:** The purpose of this policy is to provide guidance and direction to members of PCFR with respect to the use of social media, which should be broadly understood to include the Internet, the World Wide Web, blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites and other sites and services that permit users to share information with others in a contemporaneous manner. This guidance is intended to help clarify the boundaries between appropriate and inappropriate use of social media by PCFR personnel in a way that helps to protect members' careers while preserving the public's confidence in the Division. Nothing contained in this policy is intended in any way to unlawfully restrict a member's right to:

- A. Discuss as a private citizen, matters of public concern to the extent protected by the First Amendment, nor
- B. Engage in concerted activity with co-workers to the extent protected by collective bargaining laws.

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees.

**DISCUSSION:** The proper functioning of any fire and emergency service organization depends upon the public's confidence and trust in the individual firefighters, officers, and Division as a whole to carry out our mission. Any matter which brings discredit to individual firefighters, officers, or the Division has the corresponding effect of reducing public confidence and trust in our organization, thus impeding our ability to work with and serve the public.

Professionalism is a significant factor in high level performance which, in turn, builds the public's confidence and trust. Conduct that erodes the public trust and confidence, or that may lead members of the public to conclude that the individuals who make up the Division are biased, be it based upon race,

ethnicity, national origin, skin color, gender, age, disability, religion, or sexual orientation/identification, impedes the mission and functions of PCFR.

## **DEFINITIONS:**

**Harassment** - is the systematic and/or continued unwelcome actions of one party or group intended to demean, threaten, intimidate, or alarm another party or group.

**Hate speech** - is speech that attacks a person or group on the basis of attributes including race, ethnic origin, national origin, skin color, gender (including status as pregnant or nursing), religion, disability, age, or sexual orientation, indicating a level of intolerance or hostility that is incompatible with a commitment to serve all members of the community.

**Social media** - web based technology tools that enable people to communicate electronically via the Internet and the World Wide Web to share information and resources. Social media can include the sharing and exchange of electronic data, text, audio, video, images, podcasts, web casts, and other multimedia information in virtual communities and networks. Examples include but are not limited to: Facebook, Twitter, MySpace, YouTube, Pinterest, LinkedIn, myLife, Flickr, Yelp, Second Life, Foursquare, Meetup.com and Google+.

**Social networking** - the act of connecting to others through the use of social media

**Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

**Spokesperson for the Division:** A member, employee, contractor, consultant, third party vendor, temporary employee, intern, volunteer, auxiliary or any other individual with/or under the direction of the BoCC or PCFR who makes a statement:


- On behalf of the Division;
- In his/her capacity as an employee or member of the Division; or
- In such a way that it may reasonably be attributed to the Division

## **108.1 ENGAGEMENT OF SOCIAL NETWORKING ACTIVITIES:**

- A.** No member shall post, disseminate, or in any other way broadcast as a **private citizen** on a **matter of public concern** in such a way as to cause actual harm or disruption to the mission and functions of the Division. Examples of conduct that may cause actual harm or disruption to the mission and functions of the Division include but, are not limited to posts that:
1. impair harmony among co-workers, neighboring Divisions, and operational partners,
  2. has a detrimental impact on close working relationships among coworkers,
  3. has a detrimental impact on the relations between the Division and the community PCFR protects, and
  4. are contrary to County policy or PCFR's directives and/or procedures; and harmful to the proper functioning of the Division.
- B.** Members may post, disseminate or broadcast on a **matter of public concern** as a **spokesperson** for the Division only with permission through chain of command. Members shall at all times exercise diligence to avoid holding themselves out as spokespersons for the Division except when duly authorized. For this reason, when using social media, members shall not in any way represent themselves as a member of, employee of, or spokesperson for, this Division without prior approval from the Fire Chief. This shall include, but shall not be limited to:

1. Text which identifies this Division by name, abbreviation, or reference,
  2. Images that depict the logos, patches, badge or other identifying symbol(s) of this Division,
  3. Accounts of incidents or events which occur within this Division for which the member may be viewed by the public as an official or unofficial Division spokesperson,
  4. Any other material, text, audio, video, photograph, or image which would be identifiable to this Division, and
  5. Use of title, rank or assignment as well as any reference to this Division in any correspondence to include emails, postings, blogs, twitter, social network sites, user names, or screen names, unless the communication is of an official nature and is serving the mission of this Division. This prohibition also includes signature lines in personal email accounts. A member may seek prior Division approval for such use.
- C. PCFR Members are **prohibited** from posting, disseminating, or broadcasting Division matters that are **not of a public concern**, unless doing so is for the purpose of **engaging in concerted activities** relative to workplace issues. Specifically, this provision does not prohibit PCFR members from discussing terms and conditions of employment among themselves or with non-members for the purpose of engaging in concerted activities. However, in doing so PCFR members must ensure that they are not perceived as being a spokesperson for the Division nor that the posting could be attributable to the Division.
- D. Members shall not post, disseminate or broadcast information that is known to be false, deceptive, libelous, slanderous, misleading or causes harm to others, including speech that constitutes hate speech, or harassment; nor shall members discuss protected or confidential matters of the Division, including:
1. Matters that are under investigation;
  2. Patient and employee information protected by HIPAA and/or medical confidentiality laws; or
  3. Personnel matters that are protected from disclosure by law.
- This provision does not prohibit members from discussing terms and conditions of employment among themselves or with non-members for the purpose of engaging in concerted activities.
- E. Members shall not post, disseminate, or broadcast Division owned images or audio recordings unless authorized to do so, or unless such images or audio are available to the public pursuant to the public records law. If such images or audio have been released as public records members shall ensure they release such information as private citizens, and not in such a way that they will be perceived as being spokespersons for the Division.
- F. Members shall maintain an appropriate level of professionalism and conduct so as not to post, disseminate, or broadcast in a manner which is detrimental to the mission and function of this Division. This provision is not intended to restrict the content of a posting that is protected by the First Amendment or collective bargaining laws, but rather is intended to apply to the use of indecent, offensive or vulgar terms; the posting of materials of a pornographic nature; harassment that adds no additional facts or information to a public discourse; or engaging in illegal activities.
- G. Member shall not use social networking to post content of a sexually graphic nature, violate copyright laws, or engage in illegal activities.

- H.** Harassment, bullying, discrimination, or retaliation against a co-worker that would not be permissible in the workplace is not permissible between co-workers online, even if it is done off-duty, from home and on personal computers or devices.
- I.** Employees are permitted limited personal use of BoCC technology provided their supervisor grants prior approval. Personal use of county technology must be approved for each device. (Refer to Employee Handbook 10.08 - Technology Resources Acceptable Use Policy)
- J.** Because social media is an emerging form of communication, the Division permits employees to engage in limited social media activity in the workplace and/or while on duty, similar to receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/ on-duty social media activity, as appropriate.
- K.** PCFR Members are prohibited from engaging in social networking activities that involves the recording or transmission of imagery or audio while on duty; while off-duty and acting in an official capacity; while on fire Division property; while in fire Division facilities; while on or in fire Division apparatus or vehicles; or while in uniform or while wearing such portion of the uniform so as to make the member identifiable as a member of this Division. As pertains to this provision, imagery includes still photos or video taken and posted, disseminated or broadcasted via the internet immediately or within a short period of time thereafter, as well as live streaming imagery.
- L.** This policy shall not apply to personal communications between a member and members of his/her immediate family involving Facetime, Skype, or similar platforms.

	<b>POLK COUNTY FIRE RESCUE</b>		<b>100 Series</b>
	<b>No. 109</b>	<b>Pages 1-4</b>	<b>Revised: 2/6/16</b>
	<b>Photography and Digital Imagery Policy</b>		
	<b>Associated Directives:</b> <b>PCFR SOP 102, 113, 119, 207, 631, 634, 635</b> <b>BoCC Polices: Handbook 10.08</b>		

**POLICY:** It is the policy for the Polk County Fire Rescue (PCFR) to establish guidelines and procedures for the collection, use, distribution and storage of images captured using conventional film, digital photography and video recording by members while engaged in the performance of their official duties. It is the policy for PCFR members to respect of privacy interests of agency personnel, patients, fire victims, and the public, and to comply with the Florida public records statute 119.

**PURPOSE:** The purpose of this policy is to manage photographs and digital images taken by Polk County Fire Rescue (PCFR) personnel in accordance with Florida state law, in such a way that the privacy rights of agency personnel, patients, fire victims, and the public are preserved; that evidentiary concerns related to such images are protected; and the professional image of the agency is maintained.

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.

#### **DEFINITIONS:**

**Images:** Photographs, digital photographs, digital images, video recordings, or electronic files containing a graphic image or series of images, as well as any digital reproductions or copies of such photographs, digital photographs, digital images, video recordings, or files. This definition shall extend to derivations of the term images, including image, imagery and imaging.

**Digital imaging device:** Any device capable of producing a digital image, including but not limited to a digital camera or digital camcorder.

#### **109.1 ON-DUTY PHOTOGRAPHY**

- A.** Members shall take all images with agency owned/issued equipment while on-duty or acting in an official capacity. Members are prohibited from using a non-agency owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-agency owned cellular phone, PDA, or any other digital imaging device while on-duty. The fire chief or his/her designee may grant an exception to this rule on an individual basis. Any permission granted by the fire chief or his/her designee shall be in writing and shall indicate any conditions or limitations upon the employee.
- B.** A basic condition of any employee using a non-agency owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-agency owned cellular phone, PDA, or any other digital imaging device while on-duty is that the Fire Chief or his/her designee may inspect the device at any time. In addition, the member must comply with all other aspects of this policy as if the image was taken with an agency-owned device.

- C. Members who have been trained on compliance with this policy and who have been approved by the Fire Chief or the Communications Division Director shall be permitted to take images pursuant to this policy.
- D. All images should be taken in color without any filter to alter the original format. Members should review the images taken prior to leaving an incident scene to ensure that no additional images are needed or required.
- E. All images shall be preserved and shall not be deleted without written permission of the Communications Division Director, except as permitted by the record retention policy.
- F. All images taken by members are the sole property of the Polk County Board of County Commissioners (BoCC), PCFR Division, and are under the control of the Communications Division Director, Fire Chief or his/her designee. This specifically includes any images taken inadvertently with a non-agency owned camera, cell phone camera, or any other digital imaging device by a member while on-duty or acting in an official capacity.
- G. Any member who inadvertently takes such an image shall report the fact immediately through the chain of command. Members shall not be disciplined for inadvertent violations that are duly and immediately reported.
- H. Members are expressly prohibited from taking any images of another person in any location where a person has a reasonable expectation of privacy, including, but not limited to, a bathroom, bedroom, locker room, changing area, or any other location where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed, filmed, or videotaped by another; or in a place where one could reasonably expect to be safe from hostile intrusion or surveillance.

## **109.2. INCIDENT SCENES**

- A. Members are prohibited from using a non-agency owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-agency owned cellular phone, PDA or any other digital imaging device while responding to, operating at, or returning from, any incident. Any member who inadvertently takes such an image at an incident scene shall report the fact immediately through the chain of command to the incident commander at the earliest possible opportunity. Members shall not be disciplined for inadvertent violations that are duly and immediately reported.
- B. On scene photography or video taken by members while on-duty or acting in an official capacity shall be for incident documentation, evidentiary, training, investigation, and/or public relations purposes only. Such images taken by members while on-duty or acting in an official capacity shall be taken by or with the approval of the incident commander in charge of the scene, using approved agency equipment, or as approved by the Fire Chief.
- C. The taking of imagery shall not interfere with nor delay operational activities, except to the extent that imagery of a fire's cause and origin may require overhaul to be momentarily delayed.
- D. All photographs and video containing individually identifiable patient information shall be presumed to be covered by HIPAA and state privacy laws and shall be protected in the same manner as patient care reports and medical documentation.

### 109.3 HANDING AND PRESERVATION OF IMAGES

- A. The Polk County Communications Division is the archiver for all photography, and digital imagery and audio media for the BoCC and maintains a library for public education, public relations, training, investigation and public records purposes.
- B. PCFR owned images shall not be used, printed, copied, scanned, e-mailed, texted, forwarded, posted, uploaded, shared, reproduced or distributed in any manner, except as provided herein. This prohibition specifically includes the posting of any images on personal Web sites such as, but not limited to: Face Book, MySpace, Pinterest, Flickr, Google+, Twitter, or YouTube; posting to public safety Websites; or e-mailing to friends, relatives, colleagues, or other third parties.
- C. All PCFR digital images as described in this policy shall be downloaded from the digital imaging device as soon as possible after they are taken, and will be cataloged and stored in a secure database with controlled access. After being downloaded and verifying that the downloading is successful, the images on the digital imaging device's memory card shall be erased.
- D. All media related to an emergency incident scene will be electronically attached to the related incident report.
- E. All media created in accordance with this policy shall be submitted to the Polk County Communications Division via the following procedures.
  - 1. The "Incident Information Form", located on the Hub under Forms > Fire Rescue, shall be completed and saved to the folder with the incident/event photos in conjunction with the submission of all media files.
  - 2. Media files shall be uploaded via the Public Safety First Response Photo Uploader located on the desktop of the station computer.
    - a. Fill in the *Event Description and Location* box with a description and location of the incident/event. *Example No.1: MVC 540A and Carter Road. Example No.2: School Group Visit Station 480.*
    - b. Using the "Select Folder" button, navigate to the folder containing the event photos and Incident Information Sheet and click Select Folder.
    - c. Click "Upload Documents"
- F. Members shall delete all media files from its original source only after they are attached to the incident report, if applicable, and uploaded via the Public Safety First Response Photo Uploader using the above procedures.
- G. Media taken in accordance with this policy shall be uploaded before the end of the member's shift.
- H. All imagery taken by members while on-duty or acting in an official capacity must be submitted and then deleted in accordance with established procedures. Any deviation from this policy may be a violation of F.S.S. 119.
- I. Digital images in the secured databases shall not be accessed by any party, or altered via software product or utility such as Photoshop, unless express permission is granted in writing by the Polk County BoCC's Communications Division Director or his/her designee.

- J.** If permission to alter a photo is granted, the original photo shall not be altered in any way, and any copies that are altered shall be appropriately initialed and documented as to being an altered copy. The following details of the alteration will be noted and preserved:
  - 1. Notation of what was altered (cropped, lightened, darkened, etc)
  - 2. The name and rank of the member performing the alteration
  - 3. The time and date of the alteration
- K.** The use of PCFR images shall be subject to approval of the Polk County BoCC's Communication Division Director or his/her designee. Prior to the release of any image, the image shall be evaluated by the Communications Division Director or his/her designee to ensure that the release will not result in a breach of patient confidentiality or breach of privacy, and that the release will, in all other respects, be lawful.
- L.** PCFR member desiring to use an agency owned image shall submit a written request to the Communications Division Director and the Fire Chief identifying the image or images requested.
- M.** Members shall not post disseminated distribute or release any agency owned image in such a way that the releasing member may be viewed as by the media or members of the public as being a spokesperson for the agency, except when duly authorized to do so.
- N.** The use of unauthorized helmet cams and dash cams is strictly prohibited, and shall be considered a serious disciplinary breach for the member involved and any supervisor who permits such use.
- O.** Use of agency cameras to take images for personal purposes is strictly prohibited.
- P.** Violation of this policy or failure to permit inspection of any device covered in this policy may result in disciplinary action up to and including termination.
- Q.** Members who are off-duty but acting in an official capacity shall be required to comply with all of the requirements of this policy. The following shall be considered acting in an official capacity while off-duty:
  - 1. Members who are in uniform or are identifiable as members of this agency by virtue of the clothing they are wearing.
  - 2. Members who utilize their credentials or identify themselves as PCFR personnel to access areas of the incident scene that are not open to the public

#### **109.4 PERSONAL IMAGES - EXCEPTIONS**

- A.** This policy shall not apply to images taken by on-duty personnel with a personally owned device for purely personal and non-business purposes, including images of friends and family members during a fire station visit, and co-workers posing for a group photo.
- B.** This exception shall not apply to imagery taken at emergency scenes, training events, or during other official activities of the agency, nor shall any such photo be taken if it may have any training, operational, documentation, or evidentiary value.
- C.** Imagery taken pursuant to this exception shall not contain profanity, nudity or partial nudity, horseplay, hazing, harassment, be offensive, or depict vulgar or sexually suggestive images.
- D.** Imagery taken pursuant to this exception shall not be used or sold for profit.

- E. Any image taken pursuant to this exception that captures business related matters of the agency that make it subject to the public records law, shall be considered to be an agency image and must comply with the procedures required for agency owned images, including the need to archive and the need to request formal permission.**

# BOCC Employee Handbook

## Photo and Video

Photos and videos taken with county-issued technology are intended for BoCC business use only. These include, but are not limited to:



- Flip cams
- Video recorders, go-pros
- Cell/smart phones
- Tablets and
- Digital cameras.

The employee's supervisor must preapprove the personal use of county photo and video equipment. Division directors are responsible for their employee's personal use of county photo and video equipment.

Communications Division has an extensive Photo/Video policy regarding photo and video images taken by county employees on personal and county-issued equipment. All photographs/videos taken by a BoCC employee within the scope of their employment falls under copyright law and are the property of the Board of County Commissioners. Employees may not release, use or publish any photographs, still images, video or audio recording of official division activities without written permission of their division director and the communications director.

All images captured with county-owned technology, or a county employee using their own technology within their scope of employment, are considered public record. Once such photos and/or videos are taken, they must be uploaded to the network for storage and retrieval. Contact the IT Service Desk or Communications Division for assistance with uploading and storing photos and/or videos if needed.

The Communications Division Photo/Video policy supersedes this policy, however, unacceptable use of photos and videos includes:

- BoCC employees taking/shooting, transmitting, downloading or uploading any BoCC-related photos or videos without written permission to:
  - Social networking sites
  - Personal web sites
  - Video sharing and picture sharing sites, such as YouTube or Flickr
- Prohibiting photos/videos that include:
  - Embarrassing, funny or unprofessional images of BoCC employees
  - Employees in BoCC uniforms while not on duty
  - Residents, patients or vendors without a signed photo release form
  - County buildings (internal and external), offices, facilities
  - Operations, vehicles, equipment
  - Confidential data and internal documents
  - Communications Decency Act, Title 47, U.S. Code violations.

## Printers, Copiers and Copier Work Centers



Printers, copiers and copier work centers are intended for BoCC business use. The employee's supervisor must preapprove their personal use. Division directors are responsible for their employee's personal use, including defining what constitutes excessive use.

When printing/copying material, employees are encouraged to use the most cost effective device available. Each page printed/copied has an associated